

EXHIBIT 7

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW

IN RE:

K[REDACTED] F[REDACTED],

ACTION NO.: 15-BOR-1518

Claimant,

vs.

WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,

Respondent.

ORDER OF DISMISSAL

On March 11, 2015, the Respondent received a request for hearing from Claimant over the Department's denial of requested additional Respite-Agency and Person Centered Support-Agency units for the I/DD Waiver program as outlined in the Notice dated February 23, 2015. The Notice explains the reason for the denial as "Request denied as approval would exceed or has exceeded the member's individualized Waiver Budget."

West Virginia Medicaid Policy §§513.9.10.1 and 513.9.8.1 state, "The amount of service is limited by the member's individualized budget."

West Virginia Common Chapters §710.19.D allows the Hearing Officer to dismiss a hearing if the sole issue is one of policy.

As the issue being appealed is the member's desire for more services than the Claimant's annual budgetary services units, it is one of policy, which the Board of Review has no authority to change. Therefore, there is no relief available to the Claimant on the matter.

Whereas, there is no relief available to the Claimant on this issue, his March 11, 2015, request for hearing is hereby ordered DISMISSED.

Entered this 21st day of April 2015.


Lori Woodward, State Hearing Officer